



State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-1370 FAX (603) 271-1381



September 24, 2001

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY  
No. WMD 01-26**

Bay State Swiss Cam Design  
Route 11, Box 121B  
Alton, NH 03809

Attn: Chris Whalen, Environmental Coordinator

**RE: Bay State Swiss Cam Design, Alton, NH  
EPA ID No. NHD510132798**

Dear Mr. Whalen

On August 15, 2001, the Department of Environmental Services (DES) conducted an inspection of Bay State Swiss Cam Design (Bay State). The purpose of the inspection was to determine Bay State's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1000).

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

Env-Wm 502.01 - hazardous waste determination

At the time of the inspection, Bay State had not performed a site-specific waste determination for the facility's waste mineral spirits.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Bay State analyze its waste mineral spirits to complete an adequate hazardous waste determination. Although Bay State is handling this waste stream as D001 ignitable hazardous waste, other constituents in the waste stream may be present such as heavy metals (cadmium and lead). Should the waste mineral spirits prove to have additional hazardous waste characteristics other than ignitability, the assignment of additional hazardous waste numbers would be required.

This determination should be made using analytical testing. This testing should include, at a minimum, Toxicity Characteristic Leaching Procedure for RCRA metals and organics under Env-Wm 403.06, and ignitability under Env-Wm 403.03. Bay State will need to provide the results of the hazardous waste determination, along with any other supporting data, including chemical analyses, to DES. For your convenience, enclosed is a list of laboratories that perform hazardous waste analysis.

2. Env-Wm 807.06(b)(4) - standards for generators of used oil being recycled

At the time of the inspection, Bay State was storing two (2) 55-gallon containers of used oil destined for recycling, which were not labeled with the words "Used Oil for Recycle."

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requests that Bay State label all containers and tanks of used oil destined for recycle with the words "Used Oil for Recycle" at all times during accumulation and storage.

3 Env-Wm 807.06(b)(5) – standards for generators of used oil being recycled

At the time of the inspection, Bay State was storing two (2) 55-gallon containers of used oil for recycling, which were not closed.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove wastes.

DES requests that all containers and tanks be kept closed at all times except to add or remove used oil. Safety funnels that thread into the bung and have closeable lids that seal are acceptable for this purpose.

4. Env-Wm 807.06(b)(7) - standards for generators of used oil being recycled

At the time of inspection, and during subsequent telephone conversations with Bay State personnel, it was disclosed that a used oil determination had not been conducted.

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCB's if no source of PCB's is present).

DES requests that Bay State conduct an initial used oil determination for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total halogens. Bay State should provide the results of the used oil determination to DES. Enclosed please find a summary of the used oil regulations and a list of analytical laboratories that perform the required testing.

At the time of inspection, it was noted that Bay State's used oil was previously transported directly to the Town of Alton for burning. Please be advised that Env-Wm 807.08(a)(1)a. of the New Hampshire Hazardous Waste Rules defines a "marketer" of used oil being recycled as a generator who transfers used oil directly to a burner. Since the Town of Alton is burning the used oil on-site at their facility, Bay State is considered a marketer of used oil. As such, Bay State is subject to the provisions of Env-Wm 807.09 of the NH Hazardous Waste Rules, "Standards for Marketers of Used Oil Being Recycled", which includes, but is not limited to, notification, analysis of each batch of used oil transferred, shipment on a 3-copy bill of lading, and certain record keeping requirements.

However, if Bay State chooses instead to act only as a generator of used oil, then you only need to comply with the generator requirements of Env-Wm 807.06. Under Env-Wm 807.06, you will need to ensure that the oil is delivered to a facility authorized to accept it and use a registered hazardous waste transporter. As a generator, you may choose to use the self-transport option and transport up to 110 gallons at any one time, as long as the used oil is delivered to a notified marketer or authorized collection facility which will perform testing of the oil. Enclosed is a list of registered hazardous waste transporters who have also notified the Waste Management Division of their marketing activities. You may find that these marketers may pick-up your used oil directly at your business for delivery to an authorized facility at little or no cost to you.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Bay State can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Bay State, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator  
DES/WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Multi Media Partial Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

A current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline that is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

**COPY**

Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

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DB/RCRA/LOD/Archives  
Philip J. O'Brien, Ph.D., Director, WMD  
Gretchen Rule, DES Enforcement Coordinator

E-mail: JJD/SD/SD/PM

Enclosure:      Inspection Checklist  
                     NHDES list of "Laboratories that Test Hazardous Waste"  
                     NHDES list of "Hazardous Waste Transporters"  
                     NHDES "Summary of Requirements for management of Used Oil Being Recycled"  
                     NHDES Fact Sheet " Waste Mercury-Containing Lamps:....."